

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PACNAV S.A.,

06 Civ. 13512 (JGK)

Plaintiff,

ORDER

- against -

EFFIE BUSINESS CORP., et al.,

Defendants.

JOHN G. KOELTL, District Judge:

Because the Court of Appeals for the Second Circuit, in Shipping Corp. of India v. Jaldhi Overseas Pte Ltd., No. 08 2477 Civ., 2009 WL 3319675, at *11 (2d Cir. Oct. 16, 2009) and Hawknut, Ltd. v. Overseas Shipping Agencies, No. 09 2128 Civ., 2009 WL 3790654, at *2 (2d Cir. Nov. 13, 2009) (finding that Jaldhi applies retroactively and that defendant did not waive personal jurisdiction defense by failing to raise it pre-Jaldhi), has indicated that Electronic Fund Transfers at an intermediary bank are not property that can be attached pursuant to Rule B, the plaintiff is directed to submit by **December 14, 2009** a proposed Order directing the return of any of the defendant's funds that have been retained by the plaintiff in this case and dismissing this case without prejudice.

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Alternatively, the plaintiff may submit by December 14, 2009 an affidavit showing why this relief should not be granted.

SO ORDERED.

Dated: New York, New York
December 7, 2009


John G. Koeltl
United States District Judge